



State of Connecticut

DIVISION OF PUBLIC DEFENDER SERVICES

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Testimony of
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Raised Bill 6692
An Act Concerning Participation in a Program of Community Service
for Persons Seeking Fee Waivers in Certain Civil Actions

The Office of Chief Public Defender is opposed to *Raised Bill 6692, An Act Concerning Participation in a Program of Community Service for Persons Seeking Fee Waivers in Certain Civil Actions*. The proposed bill would permit the court the discretion to order a person to perform community service in lieu of paying any fees payable to the court, including diversionary program fees in criminal proceedings. It would also permit the court to order a person to participate in community service if requesting a fee waiver for the issuance of a restraining order or protective order. Passage of this bill would be unfair to indigent persons and permit persons who have the financial resources to access diversionary programs much quicker than those who are indigent who are ordered to complete community service.

This office has proposed a fee waiver for any diversionary fees that are imposed on any person determined indigent who has been appointed a public defender. This office has submitted testimony in support of S.B. No. 1165, An Act Concerning Diversionary Programs which is on today's agenda.

Diversionary programs provide persons access to counseling and treatment programs which assist them in not recidivating and ending up in the criminal justice system again. As a result, access to and participation in the diversionary program as soon as possible can assist persons so charged to succeed and not have a criminal conviction. However, indigent persons in the criminal justice system are already burdened daily with trying to find food, housing, employment, transportation and if possible providing for their families. Ordering persons who may be struggling with physical and mental health issues and/or substance abuse issues to perform community service before they can access the treatment and services they vitally need can set persons up for failure. Persons with physical and mental health issues and/or substance

abuse issues may also have difficulty performing community service as such issues may provide a barrier for completion of such. In addition, delaying access to such diversionary programs, will also delay the resolution of the case and such delay does not assist in improving public safety.

This office is aware that certain courts throughout this state have ordered community service in lieu of paying the fee for diversionary programs. The imposition of community service delays counseling and treatment services so needed for persons who apply to these programs. The following are a few examples this office is aware of which demonstrate why community service should not be imposed in lieu of a fees:

This office is aware of one case where a person applied to and was permitted to participate in a diversionary program. The defendant was also ordered to perform community service in lieu of paying the diversionary program fee. The person completed the 26 week program. However, the case was returned to court because he did not complete the community service which was ordered in lieu of payment of the fee.

In another case, the court ordered a person to perform community service in lieu of paying the diversionary program application fee of \$100.00. Once the community service was completed, the person went back to court and was told that he would need to pay \$100 for the evaluation associated with the diversionary program. Since he did not have the financial resources, he was then required to complete additional community service in lieu of paying this fee. Once he completed this second round of community service, he was then required to pay a participation fee, which again was changed to community service.

This office is aware of another instance in which the court ordered a person to perform community service in lieu of paying the diversionary program application *and* program fee prior to the granting of the program. The person completed the community service. However, when the person returned to court, he was told he was not eligible for the program.

Therefore, this office requests that this Committee take no action on this bill.